

## UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/767,486	Confirmation No.:	5032
Applicant(s):	Bekiarcs, et al	TC/A.U.:	2153
Filed:	January 29, 2004	Examiner:	Chea, Philip J
Title:	Dynamic Selection of Behavior Sets for Middleware		

---

**REPLY TO OFFICE ACTION**

This reply is being filed electronically

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 21, 2008, Paper No. 20080415 and in accordance with MPEP §1205.03, Applicants provide a replacement summary of claimed subject matter section in compliance with 37 CFR 41.37(c)(1)(v) for the Appeal Brief filed on January 12, 2009 for the above-identified application.

The **Summary of Claimed Subject Matter** begins on page 2 of this paper.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

**SEND CORRESPONDENCE TO:**

Motorola, Inc.  
1303 East Algonquin Road  
IL01/3<sup>rd</sup> Floor  
Schaumburg, IL 60196  
Customer Number: 22917

By: /Valerie M. Davis/  
Valerie M. Davis  
Attorney of Record  
Reg. No.: 50,203  
  
Telephone: 847-576-6733  
Fax No.: 847-576-0721  
Email: [vdavis@motorola.com](mailto:vdavis@motorola.com)

## V. SUMMARY OF CLAIMED SUBJECT MATTER

Although specification citations are inserted below in accordance with 37 C.F.R. § 41.37, these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to the examples in the specification. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology, as is done here to comply with rule 41.37, does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

The invention, as defined in independent Claim 1 and with reference to FIGs. 2 and 3, is a method for use by middleware (16) in a communication system comprising the steps of: enabling a group of behavior sets (220) for use by middleware (16) wherein the middleware provides an interface between at least one application (14) running on a first device and at least one network transport element (20) external to the first device, and wherein each behavior set in the group provides for at least one of a different set of routing rules and a different Quality of Service (230) for traffic sent between the at least one application and the at least one network transport element; operating (310, 330) in accordance with a first behavior set from said group;

receiving at least one trigger (342, 344, 346) that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware; selecting (350) a second behavior set from said group based upon said at least one trigger; and operating (330) in accordance with said second behavior set. (Specification page 8, line 14 to page 9, line 10).

The invention, as defined in independent Claim 18 and with reference to FIGs. 2 and 3, is a method for use in middleware (16) in a communication system comprising the steps of: enabling a group of behavior sets (220) to be predefined for use by a first middleware (16) wherein the first middleware provides an interface between at least one application (14) running on a first device and at least one network transport element (20) external to the first device, and wherein each behavior set in the group provides for at least one of a different set of routing rules and a different Quality of Service (230) for traffic sent between the at least one application and the at least one network transport element; operating (310, 330) in accordance with a first behavior set from said group; receiving at least one trigger (342, 344, 346) that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware; selecting (350) a second behavior set from said group based upon said at least one trigger; notifying (320) a second middleware of the selecting of said second behavior set wherein the second middleware provides an interface between at least one application running on a second device and at least one network transport element external to the second device; and operating (330) in accordance with said second behavior set,

said operating comprising implementing a set of routing rules and Quality of Service determined as a function of said second behavior set. (Specification page 11, line 22 to page 12, line 29).

The invention, as defined in independent Claim 19 and with reference to FIGs. 2 and 4, is middleware (16, 40) for mediating between at least one application (14, 52) and at least one communication network transport (20), said middleware comprising: an application interface (200, 400) to at least one application (14, 52) running on a device; a network interface (210, 410) to at least one network transport element external to the first device; a group of behavior sets, wherein each behavior set in the group provides for at least one of a different set of routing rules and a different Quality of Service (230, 430) for traffic sent between the at least one application and the at least one network transport element; and a behavior set selection function (240, 440) operative for causing said middleware to operate in accordance with a first behavior set from said group; receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware; selecting a second behavior set from said group based upon said at least one trigger; and causing said middleware to operate in accordance with said second behavior set. (Specification page 5, line 26 to page 7, line 3; and page 10, line 16, to page 11, line 27).